# Preliminary Energy Supply Disruption Tracking Process Plan



August 2010

# Preliminary Energy Supply Disruption Tracking Process Plan

Recovery Act – Energy Assurance Planning – State of Nevada August 13, 2010

WORK PERFORMED UNDER AGREEMENT
DE-OE-0000068

Prepared by

Office of the Governor Nevada State Office of Energy

APPROVALS:

James Groth, Director

Submitted By: Nevada State Office of Energy

755 North Roop Street, Ste. 202

Carson City, Nevada 89701

Thomas A. Wilczek, Energy Assurance Program Manager

775.687.1850 (office) / (775) 687.1869 (facsimile)

twilczek@energy.nv.gov

Prepared For: U.S. Department of Energy

National Energy Technology Laboratory

Recovery Act – Enhancing State Government Energy Assurance Capabilities and Planning for Smart Grid

Resiliency Funding

ryan.watson@netl.doe.gov

## Preliminary Energy Supply Disruption Tracking Process Plan Revision Record:

Date of Rev.	Items Revised

# **Table of Contents**

Sec	Section and Title				
	Introduction Purpose and Philo	sophy	<b>1</b> 1		
1	Management and Applicability Process Nevada State Ene	Legal Authorityrgy Plan and Nevada Energy Assurance and Emergency Op	2 3 3 erations		
	Glossary of Acronym	<u>ıs</u>	5		
	<u>Appendices</u>				
	Appendix A Appendix B Appendix C	Energy Supply Disruption Event report List of entities requested to provide energy disruption data NRS Sections			

## Introduction

## PURPOSE AND PHILOSOPHY

The *Preliminary Nevada Energy Disruption Supply Tracking Process Plan* (the Plan) was prepared and submitted in accordance with U.S. Department of Energy (DOE) grant DE-OE0000068 "Energy Assurance Planning" issued to the Nevada State Office of Energy (NSOE). Identified as Task 4 "Develop Energy Supply Disruption Tracking Process" within the grant, the purpose of the plan is (1) to provide guidance for gathering real-time energy availability data during a shortage and (2) to collect, evaluate, and utilize lessons learned from emergency events that, in fact, affect Nevada's energy consumption. This preliminary Plan is being submitted to DOE so that DOE may review and comment on the strategy proposed by the NSOE.

Section I describes the process by which data from energy supply disruption events will be recorded and tracked by the NSOE. An example of the Energy Supply Disruption Event report is provided in Appendix A. Appendix B contains the list of entities that will be requested to provide energy supply disruption data. This list is to be regularly utilized and maintained by the NSOE staff in their efforts to monitor and coordinate energy events. This list is classified as "Confidential" and as such is not for public disclosure. Appendix C contains the enabling portions of the Nevada Revised Statutes (NRS).



# Plan Description

### MANAGEMENT AND LEGAL AUTHORITY

The purpose of the **2010 Nevada Energy Disruption Supply Tracking Process Plan** (the Plan) is (1) to provide guidance for gathering real-time energy availability data during a shortage and (2) to collect, evaluate, and utilize lessons learned from emergency events that, in fact, affect Nevada's energy consumption.

The NSOE staff, with any supplementary staff assigned by the Governor, shall serve as the primary agency responsible for tracking any energy supply disruption event. Whatever the event, the NSOE serves as the central clearinghouse for energy information and is responsible for assessing energy impacts in Nevada during an event that impacts energy price and supply; developing recommendations to address the situation; coordinating with the Nevada Division of Emergency Management (NDEM) and to report to the DOE; delivering status messages and direction to the public; carrying out any resource supply responsibilities such as energy related aid and support; and any other functions identified by the NDEM.

The following Nevada Revised Statutes (NRS) under Chapter 701 grant authority to the NSOE in the preparation of the Plan. NRS Chapter 416 delineates the handling of emergencies concerning water or energy. Relevant NRS sections are attached to this Plan as Appendix C.

NRS 701.160 orders the director to prepare and submit to the Governor for approval a plan for allocation and rationing of petroleum and administering federal programs for allocation of fuel.

NRS 701.190 orders the director to prepare a state energy plan which provides methods for conserving and improving efficiency in the use of energy resources.

NRS 701.200 orders the director to establish standards for energy conservation and for carrying out the Comprehensive State Energy Plan.

NRS 701.210 orders the preparation of petroleum allocation and rationing plan.

NRS 416.030 and 416.040 delineates the power of the Governor in dealing with energy emergencies.

NRS 416.050 delineates the procedure for the proclamation of an energy emergency by the Governor. To declare an energy emergency, or an impending energy emergency, pursuant to NRS 416.050 and the Governor must file a proclamation with the Secretary of State

following a proper notice for a public hearing on such proclamation. The proclamation will take effect immediately upon being filed.

NRS 416.060 details the powers of the Governor upon proclamation of emergency.

NRS 416.070, 416.080, 416.090 and 416.100 outline operational details of the emergency proclamation, including penalties for violations.

#### **APPLICABILITY**

For the purpose of this plan, an Energy Supply Disruption event would be any event that may reasonable lead to a shortage of energy. Further, the NSOE considers a shortage to mean an actual or potential loss of supply which significantly impacts the state's energy systems, including rapid increases in energy prices. A shortage can be caused by system failure due to aging systems, poor maintenance or accidents, natural disasters such as earthquake, fire or flood, or geopolitical events such as war, terrorism, civil disturbance or embargo. Since each energy supply disruption event is unique, it is impossible to envision every event or combination of events which might qualify as, or lead to, an energy supply disruption event. NSOE will rely and the judgment of the entities described in Appendix B to report on events they deem meets the criteria of being a reportable energy Supply Disruption event.

The Plan approval is the responsibility of the Director, NSOE. The Plan will be on the NSOE web page, <a href="https://www.energy.nv.us">www.energy.nv.us</a>, except for Appendix B which is the confidential contact list.

The Plan and appendices will be reviewed and updated upon receipt of any comments from DOE, upon which the plan will be transitioned from "preliminary" to 'final' status,

#### **PROCESS**

The NSOE will initiate the energy supply disruption tracking process by notifying the entities identified in Appendix B that such a tracking process is being implemented and that the plan is available for review on the NSOE web page. The notice will contain a copy of the Energy Supply Disruption Event report along with a description on how to complete and transmit the report to NSOE. Although the NSOE lacks legal authority to compel private and quasi-private energy entities to submit such a report, the notice will ask for each entity's cooperation with assistance in reporting and tracking such data.

In case the reporting entity is addressing a serious emergency, the notice will inform each entity that, in lieu of a faxed report, the information may be telephoned in to NSOE staff who will collect the data verbally and will fill out hard copy of the report.

In conjunction with the implementing the reporting mechanism, the NSOE will establish an Energy Supply Disruption Event Database (database). The database will be maintained by NSOE staff assigned to the energy assurance function of the NSOE. As each report is received by the NSOE, the data will be entered in to the database from the hardcopy of the

report as soon a reasonably achievable. The hard copy of the report will be maintained in secure files maintained by the NSOE.

# NEVADA STATE ENERGY PLAN AND NEVADA ENERGY ASSURANCE AND EMERGENCY OPERATIONS PLAN

Nevada maintains both a State Energy Plan and an Energy Assurance and Emergency Operations plan. Both plans are updated on a routine basis. The data collected from the database will be analyzed for trends, variables and for areas of improvement. If applicable, the data from the database and the results of any analysis of the data will be reported in subsequent revisions of both the State Energy Plan and Energy Assurance and Emergence Operations Plan.



# Glossary of Acronyms

Energy Supply Disruption Event Database (database)

Nevada Division of Emergency Management (NDEM)

Nevada Preliminary Energy Supply Disruption Tracking Process Plan (the Plan)

Nevada Revised Statutes (NRS)

Nevada State Office of Energy (NSOE)

United States Department of Energy (DOE)

# Appendix A

### STATE OF NEVADA

Jim Groth, Director 755 North Roop Street, Suite 202 Carson City, NV 89701 (775) 687-1850 Fax: (775) 687-1869



## **ENERGY SUPPLY DISRUPTION REPORT**

Case #	Date and Time Reported to NSOE:			
Reporting Entity:	(within 2 hrs of incident)			
Person filing the report: Address, Phone, Fax, Cell (if applicable) and Email:				
Address, Phone, Fax, Cen (n applicable) and Eman:				
Date and Time of Disruption:	Location and Site of Disruption:			
•				
Description of Disruption:				
Affected Entities:				
Any other agencies notified?				
If yes, who contacted and when:				
Will any agency be providing assistance?				
If so, which ones:				
Actions taken:				
Recovery time:				
Report Revised by NSOE by:	Entered in database on:			
(Date and Time)				

# Appendix B

## REDACTED AS CONFIDENTIAL



# Appendix C

NRS 701.160 Submission of reports. The Director shall prepare a report concerning the status of energy in the State of Nevada and submit it to:

- 1. The Governor and the Commissioner on or before July 1 of each year; and
- 2. The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature on or before July 1 of each even-numbered year.

## NRS 701.190 Preparation of comprehensive state energy plan.

- 1. The Commissioner shall prepare a comprehensive state energy plan which provides for the promotion of:
  - (a) Energy projects that enhance the economic development of the State;
  - (b) The use of renewable energy;
  - (c) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy; and
  - (d) A program for the safe disposal and recycling of electronic waste, electrical equipment and other waste, including, without limitation, a program for the safe disposal and recycling of compact fluorescent light bulbs.
  - 2. The comprehensive state energy plan must include provisions for:
  - (a) The assessment of the potential benefits of proposed energy projects on the economic development of the State.
- (b) The education of persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.
  - (c) The creation of incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy.
    - (d) Grants and other money to establish programs and conduct activities which promote:
      - (1) Energy projects that enhance the economic development of the State;
      - (2) The use of renewable energy;
    - (3) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy; and
    - (4) The recycling of electronic waste, electrical equipment and other waste, including, without limitation, a program for the safe disposal and recycling of compact fluorescent light bulbs.
  - (e) The development or incorporation by reference of model and uniform building and energy codes and standards which are written in language that is easy to understand and which include performance standards for conservation of energy and efficient use of energy.
  - (f) The promotion of the development in this State of a curriculum for a program of renewable energy education and recycling education in kindergarten through grade 12.
  - (g) The promotion of the development by institutions of higher education in this State of research and educational programs relating to renewable energy.
  - (h) Oversight and accountability with respect to all programs and activities described in this subsection.
  - (i) Any other matter that the Commissioner determines to be relevant to the issues of energy resources, energy use, energy conservation and energy efficiency.

# NRS 701.200 Recommendation of standards for energy conservation and for carrying out comprehensive state energy plan.

- 1. The Commissioner may recommend to state agencies, local governments and appropriate private persons and entities, standards for conservation of energy and its sources and for carrying out the comprehensive state energy plan.
- 2. In recommending such standards, the Commissioner shall consider the usage of energy and its sources in the State and the methods available for conservation of those sources.

## NRS 701.210 Preparation of petroleum allocation and rationing plans; administration of federal programs involving fuel allocation. The Commissioner shall:

- 1. Prepare, subject to the approval of the Governor, petroleum allocation and rationing plans for possible energy contingencies. The plans shall be carried out only by executive order of the Governor.
- 2. Carry out and administer any federal programs which authorize state participation in fuel allocation programs.

#### NRS 416.030 Powers of Governor. The Governor or the Governor's designee may:

- 1. Collect and compile information concerning current, past and future sources, users and supplies of water and energy in this state.
- 2. Devise contingency plans that provide for conserving, allocating, using, increasing the supply or taking whatever steps are necessary to prevent a water or energy emergency, or in the event of a water or energy emergency, to ensure the fairest and most advantageous use of water or energy or of any water or energy source or supply for the benefit of all the people of this state.
- 3. Prepare reports explaining the purposes and projected economic impact of the proposed contingency plans and indicating those areas in which the plans are inconsistent with any existing rule, order, plan or regulation of any state agency or political subdivision of the State.
  - 4. Serve as liaison with the Federal Government and other states on water and energy matters.
- 5. Keep current information on all requirements, alternatives and other existing and proposed actions and policies of the Federal Government concerning water and energy.

## NRS 416.040 Additional powers of Governor. The Governor or the Governor's designee may:

- 1. Request any state agency or political subdivision of the State to supply any information in its possession or readily accessible to it concerning the use, supply, source, allocation or distribution of water or energy.
- 2. Request any business, industry, trade association or other organization or person doing business or representing persons doing business in this state to supply any information in their possession or that can reasonably be assumed to be readily accessible to them concerning the use, supply, source, allocation or distribution of water or energy.
- 3. Issue a subpoena to any officer or agent of any such public or private entity to appear before him or her and give oral testimony or produce any relevant book, paper, account, memorandum or record as was requested under subsection 1 or 2 and as may be necessary to deal with any actual or impending water or energy emergency in this state.
- 4. Enter into contracts for consulting or other services and take any other actions as are necessary to carry out the purposes of this chapter.

# NRS 416.050 Proclamation of emergency: Determination by Governor; notice and hearing in area affected; filing.

- 1. The Governor may, by proclamation, declare a water or energy emergency, or impending water or energy emergency, whenever he or she determines that:
  - (a) The President of the United States or Congress has declared that an actual or impending water or energy emergency exists in this state or elsewhere in the United States; or
  - (b) The health, safety or welfare of the citizens of this state is threatened by reason of an actual or impending acute shortage in usable water or energy resources. A determination under this paragraph shall not be made unless reasonable notice and an opportunity for a hearing is afforded the citizens in the geographical area of the State affected.
  - 2. A copy of the proclamation shall be filed with the Secretary of State.

NRS 416.060 Powers of Governor upon proclamation of emergency. Upon the proclamation of a water or energy emergency under this chapter, the Governor may:

- 1. Issue, amend or rescind any regulation or order designed to alleviate or manage in an orderly manner the water or energy emergency including without limitation the regulation as necessary of the allocation, conservation or use of water or energy during the emergency. Any regulation or order so issued or amended has the full force of law within the geographical area specified in the proclamation.
- 2. Amend or suspend any regulation of any state agency or political subdivision of the State if the Governor determines that the action is necessary to lessen the adverse impact of the water or energy emergency on the people of this state.
- 3. Utilize the services, equipment, supplies and facilities of any state agency or political subdivision of the State to the greatest extent practicable and necessary to meet the water or energy emergency. The officers and employees of all state agencies and political subdivisions of the State shall cooperate with and extend such services and facilities to the Governor upon request.

# NRS 416.070 Confidentiality of information furnished at request of Governor; protective order; penalty for disclosure.

- 1. Except as otherwise provided in NRS 239.0115, any information furnished under NRS 416.040 and designated as confidential by the person providing the information shall be maintained as confidential by the Governor and any other person who obtains information which he or she knows to be confidential under this section.
- 2. The Governor shall not make known in any manner any particulars of the information to any person other than those he or she designates in writing as having a need to know such information.
- 3. No subpoena or other judicial order may be issued compelling the Governor or any other person to divulge or make known the confidential information, except when the information is relevant to proceedings under subsection 6.
- 4. Nothing in this section prohibits use of confidential information to prepare statistics or other general data for publication in such a manner that the identity of particular persons or business establishments is protected.
- 5. Any person or business establishment who is served with a subpoena to give oral testimony or to produce any book, paper, correspondence, memorandum, account, agreements or other document or record pursuant to this chapter may apply to any district court for a protective order as provided by Rule 26 of the Nevada Rules of Civil Procedure.
- 6. In addition to any other penalties provided by law, a person who willfully discloses confidential information in violation of this section is subject to removal from office or immediate dismissal from public employment.

# NRS 416.080 Variance from regulation or order: Procedures for application and hearing; judicial review.

- 1. If the Governor issues a proclamation of a water or energy emergency under this chapter, he or she shall adopt procedures by which any person directly affected may, for good cause, apply for a partial or total variance from any regulation or order issued pursuant to NRS 416.060.
- 2. In adopting these procedures, the Governor may designate an appropriate state administrative agency to conduct a hearing on each application, receive sworn testimony, issue subpoenas for witnesses, books, papers or other documents or records considered relevant for the proper disposition of the application, and to issue decisions after a hearing on each application.
- 3. A person aggrieved by a final decision under this section is entitled to judicial review of the decision in the manner provided by law for the review of the decisions of administrative agencies in contested cases.

# NRS 416.090 Filing notice of official action; period of effectiveness of official action; issuance of new declaration of emergency related to water or energy.

- 1. Notice of any official action taken by the Governor pursuant to NRS 416.050 or subsection 1 or 2 of NRS 416.060, including a proclamation of a water or energy emergency or the issuance, amendment, suspension or rescission of any regulation or order, shall be filed with the Secretary of State.
- 2. The official action shall be effective for a period of not more than 120 days after the date of filing unless the action is rescinded by the Governor before such expiration date.

- 3. The Governor shall cause widespread publicity to be given to the filing of the notice of official action.
- 4. Nothing in this section prohibits the Governor from issuing a new declaration of a water or energy emergency upon the expiration of a prior declaration when such an emergency or the threat of an imminent emergency continues to exist.

### NRS 416.100 Penalties for violation of regulation or order.

- 1. Any person who violates any regulation or order issued by the Governor pursuant to this chapter is guilty of a misdemeanor.
- 2. In addition to any other penalties which may be imposed pursuant to this section, any person who violates any such regulation or order issued by the Governor is liable for a civil penalty of not more than \$1,000.
  - 3. Each day of violation shall be considered a separate offense.